Appl. No. 09/724,685
Amdt. dated September 2, 2008
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 1645

PATENT

REMARKS

I.   Status of the Claims

Claims 37-41 and 56-59 are pending under examination.

II.   Claim Rejection

In the final Office Action mailed August 4, 2008, the Examiner maintains the rejection of claims 38-41 and 56-49 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over the claims of U.S. Patent Nos. 7,083,796; 7,122,196; and 7,261,897, even though Applicants had submitted a terminal disclaimer along with their last response. The Examiner asserts that the terminal disclaimer was not accepted since it was not signed by an attorney of record. In response, a new terminal disclaimer is submitted herewith and Applicants clarify that the individual signing the terminal disclaimer is acting on behalf of the owner of this application, Corixa Corporation, not an attorney of record. The obviousness-type double patenting rejection is believed to be overcome.

Regarding the maintained provisional rejection of claims 38-41 and 57-59 for non-statutory obviousness-type double patenting over the claims of co-pending USSN 11/418,848, since no other outstanding rejections remain and USSN 11/418,847 is still pending, the provisional rejection must be withdrawn as the only outstanding rejection.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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